



Safe Environments for Children and Vulnerable People Policy

Reference Number:	Section 02 No. 05
Responsible Department:	Organisational Development
Related Policy/Procedure:	See Section 8
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Applicable Legislation:	See Section 7
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Review Frequency:	Four (4) Yearly

1. Purpose

Council is committed to the safety and wellbeing of children, young people and other vulnerable people who access our services. We support the rights of the child and vulnerable persons in the community and will act without hesitation to ensure a safe environment is maintained. We support the rights and wellbeing of our staff and volunteers and encourage their active participation in building and maintaining a safe environment for all.

In addition to the moral obligation to address any harm to children, the *Children and Young People (Safety) Act 2017 (SA)* (the "Safety Act") places a legal obligation on Council, and all other organisations providing a service wholly or partly to children, to ensure all children are safe from harm.

This Safe Environments for Children and Vulnerable People Policy (Policy) aims to ensure Council and its facilities are safe environments for children, young people and that they are protected from harm. This Policy aims to ensure that all relevant Council managers, employees, volunteers, contractors, and consultants are aware of their duty of care responsibilities for the protection.

2. Legal Obligations

2.1 Child Safe Environments

Section 114(1) of the *Safety Act* requires Councils and subsidiaries to have in place policies and procedures for ensuring:

- 2.1.1 child safe environments for children and young people are established and maintained within Council; and
- 2.1.2 mandatory reporting obligations (as set out in *Chapter 5, Part 1* of the *Safety Act*) are complied with.

The policies and procedures must comply with the [National Principles for Child Safe Organisations](#).

2.2 Mandatory Reporting

Section 30(3) of the *Safety Act* prescribes mandated notifiers and includes any Council employee, contractor, volunteer, or person undertaking educational or vocational training that provides health, welfare, education, sporting or recreational, childcare, or residential services wholly or partly for children and young people, being a person who:

- 2.2.1 provides such services directly to children and young people; or
- 2.2.2 holds a management position in Council or subsidiary, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children.

Mandated notifiers must report any suspicion of a child being harmed or at risk of harm to the Child Abuse Report Line (CARL) via telephone 24 hours a day, 7 days a week on 13 14 78. All serious concerns must be reported via the phone line, not via the online e-CARL portal (<https://my.families.sa.gov.au/IDMProv/landing.html>).

Where a threat of harm to a child or young person is immediate, you should contact SA Police on triple zero (000).

All adult employees, volunteers etc have a legal obligation to:

- report child sexual abuse to the police; and
- to protect a child from sexual abuse.

Failure to meet these obligations may be considered a criminal offence under [Criminal Law Consolidation Act 1935](#) (sections 64A and 65).

3. Scope and Application

This Policy will apply from the date of endorsement to all employees, volunteers, Council members, students on placement, work experience students, contractors and consultants providing services wholly or partly to children, or who work with or near children.

A schedule of roles and responsibilities is included at Section 6.

Under South Australian law a child means a person under eighteen (18) years of age.

Council acknowledges that the [National Principles for Child Safe Organisations](#) define an environment that is safe for children and young people as being one where:

- Child safety and wellbeing is consciously considered and promoted;
- Engagement with children and young people is genuine and valued;
- Conditions within the environment reduce the likelihood of harm while increasing the likelihood that any risks of harm will be identified; and
- Any concerns, allegations or disclosures made about the risk of harm are dealt with appropriately.

This Policy will be communicated through Council's usual channels to all relevant audiences to ensure awareness and understanding of Council's commitment to ensuring a safe environment. This will include Council Members, staff, volunteers, contractors, consultants, parents, carers, and children where relevant.

4. Definitions

At risk	Means a child or young person who has or is likely to suffer harm.
Child Safe Environment	Means a respectful and protective environment where children are safe from harm.
Child or young person	Means a person who is under eighteen (18) years of age.
Harm	includes physical or psychological harm (whether caused by an act or omission) and includes such harm caused by sexual, physical, mental or emotional abuse or neglect.
Prescribed position	Is a position in which a person works with children or a position in which it is reasonably foreseeable that the person will work with children, including people who: <ul style="list-style-type: none"> • provide a service or undertake an activity that is child-related work in the course of their employment; • carry on a business in which an employee works with children (whether or not the person works with children); or • are employed to provide preschool, primary or secondary education to a child (whether or not the person is a registered teacher). Prescribed positions may be held by employees, volunteers, contractors, persons undertaking educational/vocational training or Council Members.

Vulnerable People	Refer to those aged eighteen (18) and over who may be at risk of abuse or exploitation due to their dependency on others or experiences of disadvantage, and could include people with a disability, the frail aged, people from culturally and linguistically diverse backgrounds, refugees and those living in poverty.
Working with children	Means being engaged in an activity with a child where the contact would reasonably be expected as a normal part of the activity and the contact is not incidental to the activity. Working includes volunteering and other unpaid work.

5. Policy

Council is committed to ensuring Council and Council facilities are safe environments for children and vulnerable people. In particular, the following standards reflect the guidance provided by Department of Human Services on appropriate standards of conduct for adults in dealing with children.

To ensure the appropriate inclusion of children, young people and vulnerable people, Council will:

- 5.1 apply the National Principles for Child Safe Organisations to services provided directly for the benefit of children and young people and otherwise incorporate safety considerations as a part of usual Work Health and Safety Assessments.
- 5.2 adopt a risk management approach. Council will identify and assess potential sources of harm and take steps to decrease the likelihood that harm will occur to children, young people and other vulnerable people who use Council services. Managers/Supervisors will actively assess risk of harm in operational areas or activities for which they are responsible. Areas of risk assessment will include human resources, activities and programs, record keeping, physical spaces, and organisational culture.
- 5.3 require all employees, volunteers, contractors, Council Members and consultants to comply with the code of conduct endorsed by Council, which sets out standards of conduct when providing services to children. The code of conduct is supported by Council's Grievance Procedure to address breaches of the code of conduct. For more information about these procedures, contact Council's Organisational Development Manager or Governance Manager.
- 5.4 take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with, and provide services to, children and young people.
Applicants for prescribed positions will be screened for the suitability to provide services. Screening will involve Working With Children Checks (WWCC), interviews, referee reports, checking qualifications and previous employment history in working with children. All WWCCs will be verified for accuracy in the DHS Screening Unit portal prior to commencing working with children and/or young people.
Council will ensure that all staff and volunteers who work with children or who have access to their personal records have ongoing support and training to develop, enhance and maintain a child safe environment.
- 5.5 Council will immediately contact the Department of Human Services Screening Unit when we become aware of certain information regarding any person involved with our organisation, including any serious criminal offence, child protection information, or disciplinary or misconduct information. Manage any disclosures or formal reports of harm or risk of harm to a child, young person or a vulnerable person at Council (made in addition to any mandatory reporting obligations) and ensure that staff, volunteers, contractors and consultants providing services to and/or working with children are aware of and are trained, and appropriately supported to report any suspicion of harm or risk of harm (including abuse or neglect) on reasonable grounds.

Where a threat is immediate, you should contact SA Police on triple zero (000).

Formal reports to Council will be treated using one (1) or more of the following policies and procedures as appropriate:

[Behaviour Standards and Fair Treatment Policy](#)

[Incident Reporting and Investigation Procedure](#)

[Assessing and Handling Working with Children and Criminal History Procedure](#)

[Working with Children Child Safe Code of Conduct](#)

LRC and AWU Enterprise Agreement (as amended)

LRC and Officers Enterprise Agreement (as amended)

- 5.6 support workers to meet their statutory obligations to report any reasonable suspicion that a child or young person is being harmed or is at risk of harm (as set out in *section 30 of Children and Young People (Safety) Act 2017 (SA)*) by providing information advising them to use the following SA Government notification services:
Child Abuse Report Line (CARL) on 13 14 78

[Online child protection reporting system](#)

- 5.7 provide access to information and direct workers working with children to training resources to ensure they understand their personal and organisational obligations for child safety and protection. Managers/supervisors are to ensure that relevant child safety and reporting training is included in a training plan for any personnel with statutory reporting obligations (as set out in *Chapter 5 of the Children and Young People (Safety) Act 2017 (SA)*) or as appropriate for their role and activity (identified as a job role competency). This training should be completed as soon as practicable and refresher training completed periodically as recommended.
- 5.8 allow only appropriate use of technology and social media as is required by the [Information Communication and Technology Acceptable Use](#) Procedure and other relevant Council policies and procedures. Suspicions of online child exploitation activity should also be reported to the Australian Federal Police directly or via the [ThinkUKnow](#) website.
- 5.9 provide a statement to the South Australian Government certifying that policies and procedures designed to ensure safe environments for children and young people are in place as required by the [Children and Young Person \(Safety\) Act 2017 \(SA\)](#) (section 114).

6. Roles and Responsibilities

- 6.1 Council is responsible for development of the Safe Environments for Children and Vulnerable People Policy and in conjunction with the Chief Executive Officer (CEO) or their delegates (where appropriate):
- 6.1.1 promoting protection of children and vulnerable people from harm;
- 6.1.2 responding promptly to advice received from the CEO or other sources concerning significant changes to relevant legislation and regulations; and
- 6.1.3 regularly reviewing the effectiveness of the Policy.
- 6.2 Council Members have individual responsibility for:
- 6.2.1 appropriate behaviors towards children, young and vulnerable people, and for compliance with the Policy.
- 6.3 The CEO is accountable to Council and responsible as follows.
- 6.3.1 ensuring this Policy is implemented, monitored, reported on and evaluated.
- 6.3.2 being aware of mandatory reporting requirements, procedures, and associated legal responsibilities.
- 6.3.3 ensuring significant changes to relevant legislation are brought to the attention of Council in a timely manner.
- 6.4 Managers and supervisors (paid and voluntary) are accountable to the CEO as follows.
- 6.4.1 recruitment and selection in accordance with Council's human resources policies and procedures and requirements for working with children and vulnerable people.
- 6.4.2 effective implementation of the Policy, procedures and safe workplace practices.
- 6.4.3 being aware and promoting acceptable behavior when dealing with children and vulnerable people.
- 6.4.4 providing appropriate induction and on-going training as required in relation to this Policy.
- 6.4.5 establishing and maintaining supportive procedures for fulfilling mandatory notification requirements and ensure mandated notifiers understand their legal responsibilities.

- 6.4.6 reporting any reasonable suspicion of harm they have towards a child or young person to the Child Abuse Report Line (note: it is the mandated notifier's responsibility to report their suspicion, not their supervisor's or manager's).
 - 6.4.7 supporting staff and responding to enquiries regarding suspicions of harm or abuse or related issues, maintaining appropriate records and ensuring records are securely stored.
 - 6.4.8 maintaining confidentiality and fully cooperating with the Department for Child Protection (DCP), the South Australian Police and other relevant government agencies in their investigations of suspected harm of a child, young person or other vulnerable person if required.
 - 6.4.9 report annually to the CEO on implementation, monitoring and review of this Policy and relevant services, programs, and workplace practices.
 - 6.5 Mandated Notifiers (working in a prescribed position) have obligations under the *Safety Act* to:
 - 6.5.1 notify the DCP if they suspect, on reasonable grounds, that a child or young person is being harmed or may be at risk of harm and the suspicion is formed in the course of their work (paid or voluntary) or in carrying out official duties.
- *Note:** Whilst the obligation to report suspicions of harm rests with mandated notifiers, they are encouraged to seek advice and support from their supervisor and manager, Organisational Development Manager, Community Services or Business and Finance General Manager in relation to suspicions of harm or risk of harm towards a child. This practice will ensure staff and volunteers are appropriately supported, records are kept confidentially and securely, and any organisational responsibilities in addition to the mandatory reporting obligation are pursued where relevant.
- 6.6 Other Council staff, volunteers, contractors, and consultants working in non-prescribed positions and therefore not legally mandated to report:
 - 6.6.1 All Council staff, volunteers, contractors and consultants providing services on behalf of Council have a role to play in providing a safe environment for children, young people and other vulnerable people, and for complying with this Policy.
 - 6.6.2 Council strongly encourages and will sensitively support any staff member, volunteer, contractor or consultant, whether or not a "mandated notifier" as defined by the *Safety Act*, to report any suspicion they have of incidents of harm or risk of harm towards a child or young person.
 - 6.6.3 In these cases, incidents of harm towards a child or young person are to be reported to the relevant program manager who will, in consultation with the CEO, determine the appropriate action to be taken and where appropriate report to the relevant Government authorities.
 - 6.7 Third Party Responsibility (Contractors/Consultants, Licensees, Lease of Council premises/facilities, Hire of Council facility – conditions/agreements)
 - 6.7.1 It is recommended that Council includes a clause in contracts of engagement, leases, and relevant hire agreements, stipulating the requirement for compliance to this Policy. This applies to all contractors including organisations, sole traders, and partnerships.
 - 6.7.2 Councils should:
 - 6.7.2.1 disclose the Policy;
 - 6.7.2.2 attach a copy of the Policy to the contract, lease or hire agreement, or provide access to an electronic version of the Policy;
 - 6.7.2.3 reserve within the clause a right to update the Policy;
 - 6.7.2.4 insert within the clause an obligation to comply with the Policy; and
 - 6.7.2.5 insert within the clause an obligation to notify Council of instances of non-compliance with the Policy if the third party meets the "prescribed position" test.

7. Associated Legislation

[Children and Young People \(Safety\) Act 2017 \(SA\):](#)

[Children and Young People \(Safety\) Regulations 2017 \(SA\);](#)

[Child Safety \(Prohibited Persons\) Act 2016 \(SA\);](#)

[Child Safety \(Prohibited Persons\) Regulations 2019 \(SA\);](#)

[Criminal Law Consolidation Act 1935](#)

[National Principles for Child Safe Organisations](#)

8. Related Documents

[Behaviour Standards and Fair Treatment Policy](#)

[Incident Reporting and Investigation Procedure](#)

[Assessing and Handling Working with Children and Criminal History Procedure](#)

[Working with Children Child Safe Code of Conduct](#)

[Risk Management Policy](#)

[Risk Management Framework](#)

[LGAWCS Work Health Safety and Return To Work Policy](#)

[WHS Incident Reporting and Investigation Procedure](#)

[WHS Contractor Management Policy](#)

[Volunteer Management Policy](#)

[Unattended Children Policy](#)

[Code of Conduct for Council Employees by the Minister for Planning Gazetted 20 February 2014](#)

[Committee Members Code of Conduct](#)

[Code of Conduct for Council Members by Minister for Planning Gazetted 29 August 2013](#)

[Information Communication and Technology Acceptable Use Procedure,](#)

[Social Media Policy](#)

[Social Media Internal Procedures](#)

[Information and Records Management Policy](#)

LRC and AWU Enterprise Agreement (as amended)

LRC and Officers Enterprise Agreement (as amended)

Any other relevant Council policy, procedures and code of conduct documents.

[LGAMLS Safe Environment for Children Policy](#)

[LGAMLS Child Safe Environment Guidelines 2022](#)

9. Policy Review and Re-evaluation

This Policy will be reviewed at a minimum at least every four (4) years to ensure compliance with the National Principles for Child Safe Organisations and effective maintenance of a safe environment.

10. Review History

Document History:	Version No:	Issue Date:	Description of Change:
	1.0	18/11/2008	Policy adopted 18 November 2008, see Minutes Reference 10.3.3, Page 2008/312
	2.0	22/04/2014	Policy reviewed at meeting of Council dated 22 April 2014, (previously known as 9.3 Safe Environment Policy but renamed to 2.5 Working with Vulnerable People Policy) see Minutes Reference Page 2014/76
	3.0	22/10/2019	Policy reviewed at meeting of Council dated 22 October 2019 (previously known as 2.5 Working with Vulnerable People Policy but renamed to Children and Vulnerable Persons' Safety Policy) see Minutes Reference Page 2019/319.
	4.0	27/06/2023	Policy adopted at Council meeting 27 June 2023, resolution number OCM-2023/120.